

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Grant E. DUBOIS et al.) Group Art Unit: 1761
Application No.: 09/838,809) Examiner: C. Paden
Filed: April 20, 2001) Confirmation No.: 3526
For: NON CALORIC FROZEN)
CARBONATED BEVERAGE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via EFS-Web

Sir:

PETITION FOR EXTENSION OF TIME

Appellant hereby petitions for a five (5) month extension of time from the Notice of Appeal filed June 3, 2008, to file a Brief on Appeal appealing the final office action dated December 3, 2007. Pursuant to 35 U.S.C. § 21(b), because January 3, 2009, was a Saturday, the Appeal Brief is timely filed today. Appellant notes that the PAIR IFW system already displays a Notice of Abandonment, which was issued in error. A fee of \$2350.00 is enclosed.

Please grant any extensions of time required to enter this Appeal Brief and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

/Robert C. Stanley/

Dated: January 5, 2009

By: _____
Robert C. Stanley
Reg. No. 55,830
for Lori-Ann Johnson
Reg. No. 34,498